

**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and the following remarks.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-8 are currently pending in this application. Claims 1 and 8 are hereby amended. New claim 9 has been added. No new matter has been introduced. Support for this amendment can be found throughout the Application as originally filed.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

**II. OBJECTION TO DRAWINGS**

Figures 1a, 1b, 2, and 3 were objected to under 37 C.F.R. §1.83(o) for allegedly failing to show details in the drawings that are described in the specification. Applicant respectfully submits that 37 C.F.R. §1.83(o) does not exist. Applicant, therefore, assumes that the Examiner is raising an objection under 37 C.F.R. §1.83(a), whereby 37 C.F.R. §1.83(a) states that:

*(a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box)....*

Figures 1a, 1b, 2, and 3 include clear graphical drawing symbols depicted numerically. The illustrated block diagrams provide clear reference numbers that correspond directly with the

components described in the specification. For example, in Figure 1a, reference numbers, 10, 20, and 40 are clearly identified in the specification as command receiver 10, command transmitter 20, and arrow 40 representing frequency modulated transmissions, respectively. Applicant thus respectfully requests reconsideration and withdrawal of this objection.

### **III. THE REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1 and 8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1 and 8 have accordingly been amended. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

### **IV. THE REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,442,340 to Dykema (“*Dykema*”) in view of U.S. Patent No. 7,116,242 to Guthrie (“*Guthrie*”). The rejections are traversed for at least the following reasons.

Independent claim 1, as amended, recites:

“A method of communication between a command transmitter and a bi-directional command transmitter-receiver that is intended for the control of elements ensuring the security and/or comfort of a building, the command transmitter-receiver being connected to a logic processing unit which controls a piece of equipment and comprising a module for transmitting and receiving frequency-modulated signals allowing symmetric bi-directional communication with other elements in an installation, the method comprising:

communicating control commands from the command transmitter to the command transmitter-receiver or from the transmitter-receiver to other elements by way of frequency-modulated RF signals ;and, in a programming mode,

activating and interrupting successively, using the command transmitter-receiver, the transmission of electric signals normally used for communication by frequency modulation, so as to send information to the command transmitter by way of amplitude-modulated RF signals, with a lower bit-rate and a lower range than frequency modulated signals.

” (Emphasis added)

Neither *Dykema* nor *Guthrie* disclose or suggest a communication method that “in a programming mode” “activate[es] and interrupt[es] successively, using the command transmitter-receiver, the transmission of electric signals normally used for communication by frequency modulation, so as to send information to the command transmitter by way of amplitude-modulated RF signals, with a lower bit-rate and a lower range than frequency modulated signals [,]” as recited in claim 1.

*Dykema* discloses a transceiver 55 that is able to receive a radio signal, memorize the received radio signal, and to retransmit it later. The transceiver 55 has an oscillator VCO 65 and an attenuator 71 respectively making it possible to stop the transmission and to regulate the amplitude of the transmitted waves. According to col. 2, lines 58 67 of *Dykema*, transceiver 55 includes a programmable microcontroller 57 which controls a radio frequency (RF) circuit 58 to generate signal "T". Signal "T" has a frequency and code learned from signal "B" which is transmitted by a remote control transmitter 40 while the transceiver 55 is in a training mode. The transceiver 55 can then transmit the stored signal as remote control signal "T" to activate a garage door opening control mechanism 46 (FIG. 3) without further need for the remote control transmitter 40. There is no transmission of “information” from the transceiver 55 to the remote control 40, much less any transmission interruption and switching from an FM transmission format to an AM form based on a programming mode. The aim of *Dykema* is merely to adjust

the radio amplitudes and the frequencies available for the communication of the transceiver with the a garage door opener in order to comply with the FCC requirements over the entire frequency range of the transmitter and to effectively compensate for inherent variations in the transmitter's signal strength at different frequencies.

Although the Examiner concedes that *Dykema* does not explicitly disclose a command transmitter-receiver that sends information to the command transmitter in a programming mode by way of amplitude-modulated RF signals, the Examiner alleges that *Guthrie* teaches such a feature. Applicant respectfully submits that *Guthrie* does nothing to cure the deficiencies of *Dykema*. More specifically, as with *Dykema*, *Guthrie* also *fails* to disclose or suggest a communication method for, “in a programming mode[,]” “activating and interrupting successively, using the command transmitter-receiver, the transmission of electric signals normally used for communication by frequency modulation, so as to send information to the command transmitter by way of amplitude-modulated RF signals, with a lower bit-rate and a lower range than frequency modulated signals.”

According to *column 3, lines 32-56 of Guthrie*, a transceiver 100 (FIG. 1) generally comprises an input or receiver circuit (or block) 102, a controller circuit (or block) 104, a user interface circuit (or block) 106, and an output or transmitter circuit (or block) 108. The input block 102 may have an input that may receive the signal RX and an output that may present a signal RF\_IN. The signal RF\_IN is generally a filtered version of the signal RX. The controller block 104 may have an input 110 that may receive the signal RF\_IN, an input 112 that may receive at least one signal O\_C, an output 114 that may present a signal CTRL, and an output 116 that may present a signal RF\_OUT. The signal O\_C may be implemented as at least one control signal that is asserted to control at least one operation (e.g., programming, door opening,

door closing, lights on, lights off, appliance on, appliance off, etc.) related to the transceiver 100. The signal CTRL may be implemented as an output control signal that is configured to control at least one parameter (e.g., amplitude) of an output signal that is generated by the transceiver 100 (e.g., the signal TX). The signal RF\_OUT may be implemented as a radio frequency carrier or carrier signal. The signal RF\_OUT is generally a carrier approximation (i.e., an approximation to the carrier that corresponds to the signal RF\_IN). In an embodiment of the present invention, the signal RF\_OUT is an OOK RF signal. *Guthrie*'s transceiver 100 merely appears to generate a transmitted carrier signal by amplitude modulating an approximation of a received carrier signal (RF\_IN). *Guthrie*'s device receives OOK signals and emits OOK signals, whereby the OOK signals are utilized to communicate information *without*, “in a programming mode [,]” activating and interrupting successively, using the command transmitter-receiver, the transmission of electric signals normally used for communication by frequency modulation, so as to send information to the command transmitter by way of amplitude-modulated RF signals, with a lower bit-rate and a lower range than frequency modulated signals.”

Therefore, for at least the foregoing reasons, Applicant submits that independent claim 1 is patentable over the relied upon portions of both *Dykema* and *Guthrie*. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Independent claim 4, as amended, recites:

“A transmitter-receiver of commands ... comprising:  
means for transmission of frequency-modulated RF signals, wherein the means for transmission is coupled to the antenna and comprises means for activating and disabling , in a programming mode, the means for transmission so that the transmission of electric signals normally used for communication by frequency modulation is used to send information to the command transmitter

**from the command transceiver-receiver by way of  
amplitude-modulated RF signals.” (Emphasis added)**

For reasons similar to those described above with regards to independent claims 1, neither *Dykema* nor *Guthrie* disclose or suggest “**activating and disabling, in programming mode, the means for transmission [of frequency modulated signals] so that the transmission of electric signals normally used for communication by frequency modulation is used to send information to the command transmitter from the command transceiver-receiver by way of amplitude-modulated RF signals**,” as recited in claim 4.

For reasons similar to those described above with regards to independent claims 1 and 4, independent claim 8 is also allowable. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

**V. DEPENDENT CLAIMS**

The other claims are dependent from independent claims 1 and 4, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

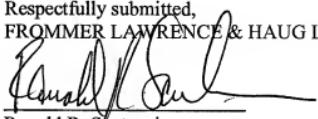
**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Statements appearing above with respect to the disclosures in the cited references

represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to  
Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
  
By: Ronald R. Santucci  
Ronald R. Santucci  
Reg. No. 28,988  
(212) 588-0800